

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
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www.montgomerycountymd.gov/mc/council/board.html

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, April 16, 2003, 9:00 A.M.

ACTION CALENDAR:

1. **Minutes**, April 2, 2003 Worksessions.

Action: Approved as amended, (AMC/AIF, 5-0).

2. **CBA-697, Petition of Martin C. and Batya Weissman** (private educational institution). Memorandum from Barbara J. Piczak, Permitting Services Inspector, Department of Permitting Services (DPS), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owner that the special exception has been abandoned.

Action: Revoked special exception as abandoned, (LLM/AIF, 5-0).

3. **CBA-2197-B, Petition of The Heights School** (private educational institution). Annual report to the Board from Alvaro de Vicente, Headmaster.

Action: (1) Re-opened the record to include the annual report; (2) Board to request DPS inspection of the special exception, (DLB/LLM, 5-0).

4. **CBA-2410, Petition of Dr. Lewis H. Dennis** (non-resident medical practitioner). Memorandum from Barbara J. Piczak, Permitting Services Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the petitioner that the special exception has been abandoned.

Action: Revoked special exception as abandoned, (AMC/AIF, 5-0).

5. **CBA-2986, Petition of Leafy House, Inc.** (housing for the elderly). Letter to the Board from Chris A. Fremuth, R.L.A., requesting a minor modification. (Large exhibit: site, landscape and lighting plan). Also included is the technical staff analysis report from Kathleen A. Reilly, M-NCPPC.

Action: (1) Re-opened the record to include MNCPPC technical staff analysis; (2) Board request additional information from Mr. Fremuth regarding adequacy of the parking functionality, parking setback requirements and providing additional parking for the special exception site, (DLB/AIF, 5-0).

6. **S-279 [S-561], Petition of Drs. Leonard Lefkowitz and John A. Lowe** (non-resident medical practitioner). Memorandum from Barbara J. Piczak, Permitting Services Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from Grady Management that the special exception has been abandoned.

Action: Revoked special exception as abandoned, (LLM/AMC, 5-0).

7. **S-465, Petition of F. P. Wilson Real Estate Corporation** (outdoor automobile sales lot). Memorandum to the Board from Barbara J. Piczak, Permitting Services Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the petitioner that the special exception has been abandoned.

Action: Revoked special exception as abandoned, (AIF/AMC, 5-0).

8. **S-548, Petition of KidsFirst Learning Center, Inc.** (child day care facility). Letter to the Board from Martha Garcia, Director, requesting an administrative modification.

Action: Granted administrative modification, (AMC/AIF, 5-0).

9. **S-580, Petition Isabella T. Blancodine** (home occupation). Memorandum from Barbara J. Piczak, Permitting Services Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the petitioner that the special exception has been abandonment.

Action: Revoked special exception as abandoned, (AMC/?????, 5-0).

10. **S-665, Petition of Andrew V. Donnally** (non-resident professional office). Letter to the Board from Kinley R. Dumas, Esquire, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked special exceptions as abandoned, (DLB/AMC, 5-0).

11. **S-1053, Petition of Hans and Edith Magel** (horticultural nursery and commercial greenhouse). Memorandum from Barbara J. Piczak, Permitting Services Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owner that the special exception has been abandoned.

Action: Revoked special exception as abandoned, (AIF/AMC, 5-0).

12. **S-1155, Petition of Lawrence J. Stark** (accessory apartment). Memorandum from Cece Kinna, Housing Code Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included in a letter of confirmation from the property owner that the special exception has been abandoned.

Action: Revoked special exception as abandoned, (LLM/AMC, 5-0).

13. **S-1637, Petition of Charles L. and Karen B. Wilkes** (private riding stable). Memorandum from Barbara J. Piczak, Permitting Services Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owner that the special exception has been abandoned.

Action: Revoked special exception as abandoned, (DLB/AIF, 5-0).

14. **S-1785, Petition of Mardirossian Family Enterprises** (automobile filling station). Request to transfer of the special exception from Harry C. Storm, Esquire. Also included is a memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: (1) Denied transfer of the special exception; (2) schedule Show Cause Hearing, (LLM/AMC, 5-0).

15. **S-1904, Petition of Norman Roskin, D.V.M.** (veterinary hospital). Request for reconsideration from the petitioner. (Large exhibit: site development and water quality plan).

Action: Denied request for reconsideration, (AMC/LLM, 5-0).

16. **S-2078 [CBA-2460, S-7, S-296], Petition of Michael V. Scott, D.V.M.** (veterinary hospital). Staff analysis from Rick Brush, Manager, Water Resources Section, DPS. Also included is a request for an administrative modification from Jody S. Kline, Esquire.

Action: Granted administrative modification, (DLB/LLM, 5-0).

17. **S-2186, Petition of Robert M. Wojciechowski** (farm market). Memorandum from Barbara J. Piczak, Permitting Services Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from Equity Homes that the special exception has been abandoned.

Action: Revoked special exception as abandoned, (AIF/AMC, 5-0).

18. **S-2217, Petition of Shell Oil Company** (automobile filling station). Memorandum from Barbara J. Piczak, Permitting Services Inspector, DPS, notifying the Board that the special exception was never implemented and requesting that it be revoked. Also included is a letter of confirmation from Petroleum Marketing Group, Inc. that the special exception was never implemented.

Action: Revoked special exception for failure to implement, (LLM/AIF, 5-0).

19. **S-2351-A, Petition of Mid-Atlantic Petroleum Properties** (automobile filling station/accessory convenience store/accessory carwash). **A-5787, Appeal of Steven Grayson, A-5794, Appeal of Carolos Horcasitas, A-5832, Appeal of Brooke Venture, LLC.** Letter to the Board from Stanley D. Abrams, Esquire, requesting that the administrative appeals be considered at the special exception modification hearing.

Action: (1) Grant request for hearings to be heard together; (2) refer cases to the Hearing Examiner, (AIF/LLM, 4-0/DHS/recused).

20. **S-2558, Petition of Maria Corazon B. Peralta** (accessory apartment). Letter to the Board from the petitioner and Than R. Porter, Realtor, withdrawing the special exception.

Action: (1) Request DHCA inspection of the property; (2) item deferred for power of attorney from the petitioner, (LLM/AIF, 5-0).

DECISION ITEMS:

21. **CBA-1201-A, Petition of Good Hope Garden, Inc.** (horticultural nursery). Hearing Examiner's Report and Recommendation.

Action: Adopted the Hearing Examiner's Report and Recommendation and granted the special exception, (AIF/AMC, 5-0).

22. **CBA-1792-A, Petition of Verizon Maryland Inc.** (public utility buildings, public utility structures, and telecommunication facilities). Hearing Examiner's Report and Recommendation. Also included is the Hearing Examiner's Supplemental Report and Recommendation and letter from Timothy Dugan, Esquire.

Action: Adopted the Hearing Examiner's Report and Recommendation and granted the special exception, (LLM/DLB, 5-0).

23. **S-2516, Petition of Happy Tails of MD, Inc. and Tracy Ryan** (animal boarding). Hearing Examiner's Report and Recommendation. Also included is a Supplement to Hearing Examiner's Report and Recommendation and a Technical Staff correction.

Action: Adopted the Hearing Examiner's Report and Recommendation and granted the special exception, (DLB/LLM, 5-0).

24. **S-2548, Petition of Fredis Mendez Diaz** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Refer to Hearing Examiner to re-open the record to allow for additional information from the neighbors; (2) Hearing Examiner to submit a supplemental report to the Board, (DLB/LLM, 5-0).

25. **S-2549, Petition of Scott and Marsha Kaufman** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: Adopted the Hearing Examiner's Report and Recommendation and granted the special exception, (AIF/AMC, 5-0).

PENDING ITEMS:

26. **CBA-802, Petition of Donald E. and Evelyn C. Golladay** (animal boarding), **CBA-1211, Petition of Donald E. Golladay** (animal boarding), **CBA-1496, Petition of Evelyn C. Golladay** (animal boarding and breeding kennel), **CBA-2447, Petition of Evelyn C. Golladay** (animal boarding), **CBA-2917, Petition of Evelyn C. Golladay** (animal boarding), **S-224, Petition of Evelyn C. Golladay** (animal boarding), **S-425, Petition Evelyn Golladay** (animal boarding). Letter to the Board from Stanley N. Garber, Investigator, requesting that the special exceptions have been abandoned and requesting that they be revoked. Item deferred for additional information from petitioner.

PENDING ITEMS (continued):

27. **CBA-916 [S-615], Petition of The Public Health Service Club, Inc. and The Foundation for Advanced Education in the Sciences, Inc.** (private club). Letter to the Board from Lois W. Kochanski, Executive Director, requesting an administrative modification and the deletion of one of the special exception holders. Item deferred for confirmation of the deletion of Public Health Service Club as a special exception holder.
28. **CBA-2180 and S-254, Petition J. H. Burton and Sons, of Hyattsville, Inc.** (horticultural nursery and commercial greenhouse). Letter to the Board from Kevin P. Fay, Esquire, requesting the record to be re-opened to admit a June 11, 1999 site plan. Item deferred to allow Board time to review file.
29. **CBA-2196, Petition Chevron U.S.A.** (automobile filling station). Letter to the Board from C. Robert Dalrymple, Esquire, and Yum Yu Cheng, Esquire, requesting a transfer and an administrative modification. (Large exhibits: concept plan, survey and plot plan). Request referred to staff for comment.
30. **CBA-2841 [S-130], Petition of Rodolfo P. Ramirez D.V.M.** (veterinary hospital). Letter to the Board from Susan W. Carter, Esquire, submitting a revised site plan. (Large exhibit: revised site plan). Item deferred for site plan that reflects the parking spaces along MacArthur Blvd.
31. **S-569, [CBA-3051, S95], Petition of C. O. and M. E. Bland** (horticultural nursery). Letter of complaint to the Board from David C. Gardner, Esquire, regarding the special exception use. Board requests DPS inspection of the special exception property.
32. **S-1716, Petition of Sports Fun, Inc.** (commercial recreational or entertainment establishment). Letter to the Board from David and Nancy Ris, current property owners, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked. Item deferred. Board to request DPS correction of special exception address.
33. **S-1743, Petition of Kentucky Fried Chicken** (drive-in restaurant). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Board requested MNCPPC recommendation.
34. **S-1751, Petition of Hanna D. Saah** (boardinghouse). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, regarding the inspection of the special exception. Letter will be sent to the petitioner to determine what future action he proposes for the special exception property.
35. **S-2093, Petition of Bell Atlantic Mobile Systems, Inc.** (public utility structure). Letter to the Board from Sue Swett, Real Estate Department, Pinnacle Towers Inc., requesting a transfer of the special exception. Board requests additional information.

Board Members

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